

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
MINUTES OF A PUBLIC HEARING**

DATE..... September 15, 2004
 TIME..... 7:00 P.M.
 PLACE..... County Office Building
 20 N. 3RD Street
 Lafayette, IN 47901

MEMBERS PRESENT

Mark Hermodson
 KD Benson
 David Williams
 John Knochel
 Vicki Pearl
 Jeff Kessler
 Gary Schroeder
 Steve Schreckengast
 Dr. Carl Griffin
 Kevin Klinker
 Mike Smith
 Bob Bowman
 Kathy Vernon
 Steve Egly

MEMBERS ABSENT

Lynda Phebus

STAFF PRESENT

Sallie Fahey
 Margy Deverall
 Kathy Lind
 Jay Seeger, Atty.
 Bianca Bullock

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 15th of September 2004, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

Mark Hermodson called the meeting to order.

I. BRIEFING SESSION

Sallie Fahey informed the Commission that **Z-2198 – SMITH ENTERPRISES, INC. (R1B to GB)** needs to be continued to the October 20, 2004 Area Plan Commission Public Hearing and **S-3564 – DAYTON PINES SUBDIVISION (Minor-Sketch)** needs to be continued to the October 6, 2004 Executive Committee meeting because no signs were posted. She also said that the **Z-2193 – RMD PROPERTIES (Hilltop PD) (NB to PDNR)** should be moved to the end of the agenda, at petitioner's request.

Jeff Kessler moved to place **Z-2193 – RMD PROPERTIES (Hilltop PD) (NB to PDNR)** at the end of the rezones of the Area Plan Commission Public Hearing agenda. Kathy Vernon seconded and the motion carried by voice vote.

Jeff Kessler moved to continue **Z-2198 – SMITH ENTERPRISES, INC. (R1B to GB)** to the October 20, 2004 Area Plan Commission Public Hearing and **S-3564 – DAYTON PINES SUBDIVISION (Minor Sketch)** to the October 6, 2004 Executive Committee Meeting. Kathy Vernon seconded and the motion carried by voice vote.

Mike Smith asked why Z-2198 is continued again.

Sallie Fahey explained the reasons why the petition had been continued at previous meetings.

II. APPROVAL OF MINUTES

Jeff Kessler moved to approve the minutes of the August 18, 2004 meeting as submitted. Kathy Vernon seconded and the motion carried by voice vote.

III. NEW BUSINESS

A. BYLAW AMENDMENT:

Change the section titled Commission Meetings Agenda Order of Business by moving Citizen Comment and Grievances above Administrative Matters.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Sallie Fahey read the staff report with recommendation of approval.

Steve Schreckengast asked if the Citizen Comment and Grievances section would still be at the end of the agenda for tonight's meeting.

Sallie Fahey responded affirmatively.

The Commission voted by ballot 14 yes – 0 no to approve **BY-LAW AMENDMENT: COMMISSION MEETINGS AGENDA ORDER OF BUSINESS.**

B. RESOLUTION PD 04-25: BENJAMIN CROSSINGS, SECTION 4 PLANNED DEVELOPMENT (Z-2076):

Final Detailed Plans for section 4, consisting of Final Plat only, for 101 single-family lots and 4 outlots on 34.78 acres at the northeast corner of CR 450 S and Concord Road, in Wea 15 (NE) 22-4.

Jeff Kessler moved to hear and approve **RESOLUTION PD 04-25.** Kathy Vernon seconded.

Margy Deverall presented slides of the zoning map, site plan and aerial photos. She read the staff report with recommendation of approval.

Joseph T. Bumbleburg, PO Box 1535, Lafayette, IN, concurred with the staff report and requested approval and permission to bond.

KD Benson asked why there were two staff reports.

Sallie Fahey responded the issue of bonding was changed in the resolution since it was not filed with the Final Detailed Plans. Instead, permission to bond will be approved with the resolution and the bond will be required before the plat is recorded.

The Commission voted by ballot 14 yes – 0 no to approve **RESOLUTION PD 04-25.**

C. RESOLUTION PD 04-26: CROSSER COMMONS PLANNED DEVELOPMENT (Z-2156):

Final Detailed Plans consisting of Construction Plans only, for 82 single-family lots and 1 outlot on 21.97 acres located north of Elston Road between Powderhouse Lane and the Norfolk Southern rail corridor in Lafayette, Fairfield 31 (E1/2) 23-4.

Jeff Kessler moved to hear and approve **RESOLUTION PD 04-26.** Kathy Vernon seconded.

Margy Deverall presented slides of the zoning map, site plan and aerial photos. She mentioned there are no plans for a final plat, thus bonding is not needed. She read the staff report with recommendation of approval.

Joseph T. Bumbleburg explained that a portion of this development would be included in the linear trail system. He then requested approval.

Carl Griffin asked if there were existing trees on the property as shown by the irregular, curved lines on the drawing.

Sallie Fahey answered yes.

The Commission voted by ballot 14 yes – 0 no to approve **RESOLUTION PD 04-26.**

D. PRIMARY APPROVAL EXTENSION REQUEST: MAPLE POINT SUBDIVISION (S-2858):

Developer's representative is requesting an extension of the 5-year conditional primary approval, originally granted on September 15, 1999. The preliminary plat covers a 6-lot commercial subdivision on 31.829 acres, located on the northwest side of Creasy Lane, between SR 38 and US 52 in the City of Lafayette, Fairfield 35 (SW) 23-4 and Wea 2 (NW) 22-4.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Sallie Fahey read the staff report with recommendation of approval

Jim Butcher, Ticen Surveying, PO Box 246, Lafayette, IN, concurred with the staff report and requested approval.

The Commission voted by ballot 14 yes – 0 no to approve **PRIMARY APPROVAL EXTENSION REQUEST: MAPLE POINT SUBDIVISION (S-2858).**

IV. **PUBLIC HEARING**

Jeff Kessler moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County and the Unified Subdivision Ordinance of Tippecanoe County, Indiana, are hereby entered by reference into the public record of each agenda item. Kathy Vernon seconded and the motion carried by voice vote.

A. **ORDINANCE AMENDMENTS**

1. **UZO AMENDMENT #44:**

This proposal would change the R1, R1A, R1B and R1U lot standards to allow: a reduction in lot width in R1A, R1B and some R1 lots; increase percent of building coverage in R1, R1A, R1B, and R1U; and reduce side setbacks in R1B.
CONTINUED FROM THE JULY MEETING.

Jeff Kessler moved to hear and approve **UZO AMENDMENT #44.** Kathy Vernon seconded the motion.

Margy Deverall recapped the proposed changes.

Steve Schreckengast asked if this amendment passes and someone owns an undeveloped piece of property, which is R1B zoned, they could use these new standards.

Mark Hermodson responded affirmatively.

The Commission voted by ballot 14 yes – 0 no to approve **UZO AMENDMENT #44.**

B. **REZONING ACTIVITIES**

1. **Z-2205– MARY SHORT (R1 TO GB):**

Petitioner is requesting rezoning of 9.617 acres located on the north side of McCarty Lane, half the distance between Creasy Lane and CR 500 E, Fairfield 25 (SW) 23-4.
CONTINUED FROM THE AUGUST MEETING. FIRST CONTINUANCE.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Sallie Fahey presented slides of the zoning map, site plan and 2 aerial photos. She read the staff report with recommendation of approval.

Mary Short, 18 Spring Valley Court, West Lafayette, IN, concurred with staff report and requested approval.

Francis Albregts, 3109 E McCarty Lane, Lafayette, IN, said he is in favor of the proposed rezone. He also expressed questions regarding extending the connecting road from east SR 26 to McCarty Lane that runs through the Wal-Mart property.

John Knochel said that any construction on the McCarty Lane to SR 26 would take between three and four years to complete, as there is no federal funding available.

Sallie Fahey explained that Park East Boulevard is a collector road and is included in the Thoroughfare Plan. Any further construction would be the responsibility of the developer.

John Knochel said the County Commissioners office has not seen anything regarding construction of Park East Boulevard.

The Commission voted by ballot 14 yes – 0 no to approve **Z-2205 – MARY SHORT (R1 to GB)**.

2. Z-2206 – R. GREGG SUTTER (AW TO PDRS):

Petitioner is requesting a rezoning from AW to PDRS for a large lot rural subdivision comprised of 27 lots ranging in size from 1.5 to 4.79 acres and common area on 67.678 acres straddling a branch off the South Fork of Wildcat Creek. The project is located on the east side of CR 800 E, ¼ mile north of its intersection with CR 200 N, Perry 33 (SE) & 34 (SW) 23-3.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Margy Deverall presented slides of the zoning map, site plan, and aerial photos. She read the staff report with recommendation of approval, contingent on meeting all requirements of UZO 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. All sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. PD construction plans per UZO Appendix B2-2;
3. A final plat per UZO Appendix B-3-2 as applicable;
4. Appropriate performance bonds submitted with final detailed plans containing a final plat;
5. Street name approved by the post office, 911 and APC;
6. "No Vehicular Access" statements platted: along CR 800 E except for the County Highway approved private drive entrance location, on lot #26 off CR 150 S except for the existing private drive, and on lot #27 off CR 150 S except for a County Highway approved driveway location;
7. Show approved septic field locations on Lots 7, 8 & 9; include a note that extreme care must be taken in design and layout of septic fields on Lots 9 & 27 and a note that Lot 27 will require a pump-assisted on-site sewage disposal system;

Restrictive Covenants – The following items shall be part of the planned development's covenants made enforceable by the Area Plan Commission and irrevocable by the lot owners:

8. The "No Vehicular Access" restrictions on the right-of-way lines of CR 800 E, and CR 150 S with the exception of drive entrances noted above;
9. Include house placement restriction and approved septic field locations on Lots 7, 8 & 9 and statement that extreme care must be taken in the design and layout of septic fields on Lots 9 & 27 as per County Health Department review;
10. Include a statement that Lot 27 will require a pump-assisted on-site sewage disposal system;
11. For the owners of Lots 26 & 27 include a statement excluding or reducing the financial responsibility of maintaining the private drive serving Lots 1 through 25;

Additional Conditions:

12. A copy of the Articles of Incorporation for the Home Owners Association of Weathersfield Planned Development Inc., approved and filed with the Indiana Secretary of State, along with the Certificate of Incorporation.

She read the following letter of opposition into the record: Greg & Pam Stiles, 8005 E. 150 S, Lafayette, IN.

Bob Gross, RW Gross & Associates, 420 Columbia Street, Lafayette, IN, concurred with the staff report and requested approval.

Paul Timperman, 709 Oreck Street, West Lafayette, IN, explained he owns the property to the south of the proposed rezone site. He said when he bought the property he was made aware of the petitioner's future plans to create a subdivision, but only with 20 lots, not the proposed 27 lots. He also stated that he feels the lots that border his property are too small and irregularly shaped.

Carl Griffin asked for clarification regarding where Mr. Timperman's property is located.

Paul Timperman explained his property is the 64 acres that borders the entire south side of the petitioner's land.

Bob Gross mentioned that all of the lots are at least 1.8 acres in size.

Carl Griffin asked about the average width of the lots.

Bob Gross answered the narrowest lots are 180' across and rest of the lots are 200'.

KD Benson asked about the original plan that Mr. Timperman was given. She asked if the petitioner had originally intended larger lots.

Margy Deverall said the difference in the lot size and number of lots between this plan and the first plan shown to staff is the addition of the 5-acre community park space in the development. She said a 2-acre lot size is typical of a planned development of this kind.

KD Benson asked what the qualifications are for a Rural Estate.

Margy Deverall explained a Rural Estate subdivision must be wooded, not tilled land and have as many as 12 lots averaging two acres in size.

KD Benson asked if the previously read letter referred to an empty lot on the property.

Margy Deverall said there had been a misunderstanding because the author of the letter believed the empty lot could be divided, but she said that is not the case.

Kevin Klinker asked if the septic fields would take special consideration.

Margy Deverall clarified the septic arrangement on Lots 7, 8, and 9.

Mike Smith asked how many lots were on the original plan that Mr. Timperman was given.

Paul Timperman responded nine lots.

KD Benson asked about Covenant #11.

Margy Deverall explained that the petitioner agreed if the Homeowners Association wants to share use and maintenance of the park with all the residents in the Weathersfield Subdivision, that is a topic open for discussion. She also mentioned that if a lot owner could combine two lots and make a larger one, so the potential number of lots in the subdivision could decrease.

Carl Griffin moved to remove Restrictive Covenant #11. KD Benson seconded and the motion passed by voice vote.

Greg Sutter, 308 Main Street, Lafayette, IN, said he does not want to cause trouble for Mr. Timperman. He explained they originally agreed upon 24 lots, and now have gone up only three lots, to 27.

The Commission voted by ballot 12 yes – 1 no and, 1 abstention to approve **Z-2206 – R. GREGG SUTTER (AW to PDRS).**

<u>Yes Votes</u>	<u>No Votes</u>	<u>Abstain</u>
Steve Egly	Robert Bowman	Carl Griffin
John Knochel		
Kevin Klinker		
Mike Smith		
KD Benson		
Steve Schreckengast		
Mark Hermodson		
Dave Williams		
Vicki Pearl		
Gary Schroeder		
Jeff Kessler		

3. Z-2207 – MICHAEL MOLTOR (I3 & I2 TO GB):

Petitioner is requesting rezoning of three lots located in Concord Corner Subdivision, on the north side of CR 350 S, just east of Concord Road, Lafayette, Wea 10 (NE) 22-4.

Jeff Kessler moved to hear and approve the above-described requests. Kathy Vernon seconded.

Sallie Fahey presented slides of the zoning map, site plan and aerial photos. She read the staff report with recommendation of denial.

Joseph T. Bumbleburg explained the area is currently zoned Industrial and the property across the street is zoned R1. He also mentioned the mixed zoning districts on the corner of 350 S and Concord Road, including I1, I3, and GB. He stated that the request for GB zoning would not harm any potential growth expansion of Industrial zoning. He discussed the petitioner's desire to expand his business opportunities in this area and cannot do that under the current zoning pattern. He requested approval.

Michael Molter, 3431 Fairfield Court, Lafayette, IN, said he would like to branch out into areas other than collision repair. He explained that to explore other avenues, he must have GB zoning.

KD Benson asked for clarification regarding the R1 zoning to the south of the property.

Sallie Fahey explained the property that is currently zoned R1 is up for rezoning shortly. She also explained the changes made to the Zoning Ordinance which provide for three Industrial zones: I1, I2, and I3. She said that I1 and I2, specifically, were created to permit business services to industrial users, like a bank or the petitioner's business.

Mike Smith asked which of the corners on 350 S and Concord Road are zoned GB.

Sallie Fahey responded that the northeast and southwest corners are GB and the lot north is I1.

Mike Smith asked what zoning classification the other corner that is zoned R1 will become.

Sallie Fahey responded staff does not know yet.

Steve Schreckengast said that 350 S is a busy, developing area with the potential for high property values in the future. He also pointed out that there are over 800 acres of Industrial-zoned land in that area. He said he feels this particular property is better suited to a GB use.

Kevin Klinker asked what are the signage restrictions if the property gets rezoned to GB.

Joseph T. Bumbleburg responded that the signage restrictions would not change.

Kevin Klinker asked about the location of the linear trail.

Sallie Fahey answered that the trail might come into the area via the railroad corridor. She said, however, that the railroad corridor is not abandoned.

Joseph T. Bumbleburg said that the developer has agreed to give land rights to the Parks Department if the linear trail comes through.

The Commission voted by ballot 13 yes – 1 no to approve **Z-2207 – MICHAEL MOLTOR (I3 & I2 to GB).**

Yes Votes

KD Benson

Kevin Klinker

Carl Griffin

Steve Schreckengast

Dave Williams

Robert Bowman

Jeff Kessler

Kathy Vernon

Vicki Pearl

Mike Smith

Steve Egly

Gary Schroeder

John Knochel

No Votes

Mark Hermodson

4. Z-2193 – RMD PROPERTIES (Hilltop PD) (NB TO PDNR):

Petitioner, RMD Properties LLC by Bob Dahnke, is seeking PDNR zoning on 2 acres for a 1-lot commercial development with the initial purpose of housing two businesses, Dahnke Overhead Doors and Dahnke Building Services, Inc. Future uses will include only those permitted in the NB district with some exclusion. Located on Sagamore Parkway West, west of Soldiers Home Road, on a portion of the former University Motors site in West Lafayette, Wabash 7 (NE) 23-4.

CONTINUED FROM THE AUGUST MEETING, SECOND CONTINUANCE.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Margy Deverall presented slides of the zoning map, site plan and 2 aerial photos. She read the staff report and addendum with recommendation of approval.

Daniel Teder, PO Box 280, Lafayette, IN, said he concurs with the staff report and explained that the accessory building has been an issue. He mentioned he has met with the West Lafayette City Engineer, staff, and the neighbors surrounding this property. He pointed out the petitioner is trying to provide an acceptable plan for everyone involved and believes this is a good use for the old University Motors building that has been empty for the past several years. He pointed out that there will be *no* outdoor storage and went over the configuration of the proposed locations of the petitioner's businesses. He said the accessory building would be located on the northeast side of the property and when he met with the West Lafayette City Engineer last week, it was agreed upon that this building could be permanent if it was a pre-engineered steel structure. He reiterated that because of the accessory building, there would be no outdoor storage. He described the bufferyards, trees on the east and west side of the property, landscaping at the entrance, no lighting on the north side, fencing in the side yard on the east and south, no public address system, specific hours of operation, and only NB uses would be allowed on this site after petitioner's business ceases to occupy the property. He then reviewed the narrative, which should be added as another sentence to the proposed uses at the end of the first paragraph: "regarding the accessory building, this commercial pre-engineered steel structure shall also be considered accessory and shall have typical baked enamel, steel wall panels with typical gable, trim and gutters. The color of this accessory building shall be compatible with the existing building. The overhead doors of this accessory building shall be insulated, steel panel doors, also of a color compatible with the existing

building.” He said he was not trying to exclude the staff from adding their input regarding this issue. He believes the accessory building issue is a minor modification and it is satisfactory with West Lafayette and hopes the staff could acquiesce the fact that they were not included in the meeting. He then requested approval.

Mark Hermodson asked what should be done with the change.

Jay Seeger said that the narrative is not part of the petition, but accepted into it by motion. He said that this Planned Development has gone on a long time and when something comes up at the last minute, it defeats the thorough Planned Development process when there was not an opportunity for the staff to participate. He explained that since staff did not have a chance to evaluate the statement, and said that if more time is needed, the petition could be continued.

Sallie Fahey said that staff is not prepared to comment on, but is unsure of what gains would be made by continuing the petition. She said that is the Commissioners’ decision whether or not to accept condition #7 regarding the accessory building. She said, however, that there are still unresolved issues, such as who gets the building after the petitioner leaves the property or could the accessory building be used as a separate business. She explained that the uses initially permitted in this Planned Development are only compatible to this site if all the equipment is store indoors.

Steve Schreckengast asked if the petitioner could add more conditions after the rezone is passed.

Sallie Fahey said no, all issues regarding the design of the building must be passed at this meeting.

Jay Seeger said that any adding of conditions is considered a minor modification and must be approved first.

Margy Deverall mentioned that there are also large petitions signed by area residents both for and against the development.

Dave Buck, West Lafayette City Engineer, 609 W. Navajo Street, West Lafayette, IN, explained the need for the accessory building. He also stated that when the petitioner vacates the property, the new owner could have use of the building, as an accessory NB use only. He said that, in regard to the aesthetics of the building, he thought color-coordination was important. He said the West Lafayette City Engineer’s office would be responsible for policing the use of the accessory building.

Carl Griffin asked if the West Lafayette City Engineer’s office would prefer to have condition #7 removed.

Dave Buck responded affirmatively

Carl Griffin asked what the process is by which the proposed narrative becomes a recorded portion of the Planned Development.

Jay Seeger responded that since the statement had been read into the record as an amendment to the narrative, it is sufficient to create that as an amendment. He said that does not, however, address the issue of removing condition #7. He said if the Commission has the final decision whether to include or remove condition #7 and it would require a motion to do so.

John Knochel moved to remove condition #7. Steve Schreckengast seconded.

Steve Schreckengast clarified that the West Lafayette City Engineer’s office is in agreement with the removal of condition #7, while staff is not.

Sallie Fahey replied that staff does not have an opinion.

Dave Buck said that he saw no problem with the aesthetics as proposed by Mr. Teder. He believes the issue rests upon whether the building stays or goes when the petitioner leaves the property.

Carl Griffin said that, without regard to the aesthetics or whether the building will remain as a permanent fixture, it would be built 5' south from where it is on the site plan.

Dave Buck responded affirmatively. He also said he would not recommend removal of condition #7 if the building was not 15' from the property line.

KD Benson clarified that the building does not currently exist, but will be built to house equipment.

Robert Bowman suggested adding the accessory building as a garage.

Dan Teder replied that is a possibility. He also stated that the construction of this building would improve the site, create an additional buffer, and meet the petitioner's needs.

KD Benson asked if there was any public interest into the issue of the accessory building.

Dan Teder responded that the accessory building has always been a part of the Planned Development. He explained the only aspect that is different is the location of the accessory building.

Jay Seeger said the motion on the floor is to remove condition #7. He explained what Mr. Teder read is part of the record, and not a condition.

Mike Smith asked if any improvements would be made to the building when the petitioner ceases to use the property.

Jay Seeger restated condition #7 as: in the event the property is sold, or petitioner ceases to do business in the property, the accessory building must be removed.

KD Benson asked if condition #7 would be included when West Lafayette Council would vote on the petition.

Mark Hermodson explained that the condition would not be included if the Commission votes to remove it.

KD Benson asked if the West Lafayette City Council could remove condition #7.

Mark Hermodson answered negatively.

Mike Smith said the improvements become unnecessary if condition #7 remains a part of the petition.

Sallie Fahey said a contractor is only permitted in this Planned Development if the equipment is stored inside and the accessory building is the only thing that makes the Planned Development and use of the property acceptable. She further explained that if condition #7 is removed, the building would stay on the property when the petitioner ceases to do business on that land.

Steve Schreckengast asked if the West Lafayette City Council would be comfortable removing condition #7.

Carl Griffin said he believes the West Lafayette City Council would like the building to be removed after the petitioner leaves the property.

The Commission voted by show of hands 8 yes – 5 no to remove condition #7.

Dan Teder recapped the narrative agreed upon by the petitioner and West Lafayette City Engineer's office.

Margy Deverall expressed concerns regarding future use of the accessory building. She said that since condition #7 is removed, even if the accessory building is no longer needed, it would stay on the property.

Jay Seeger explained that an accessory building could not be an off-site storage facility.

The Commission voted by ballot 11 yes –3 no to approve **Z-2193 – RMD PROPERTIES (Hilltop PD) (NB to PDNR).**

Yes Votes

Steve Schreckengast
Mike Smith
John Knochel
Kevin Klinker
Steve Egly
Robert Bowman
KD Benson
Gary Schroeder
Carl Griffin
Dave Williams
Vicki Pearl

No Votes

Jeff Kessler
Mark Hermodson
Kathy Vernon

C. SUBDIVISIONS

1. S-3562 – BLACKTHORNE PHASE 2, (Major-Preliminary):

Petitioner is seeking primary approval for a 98-lot single-family subdivision (plus one outlot) on 29.86 acres. This second phase is located on the south side of US 52, approximately ¼ mile west of Klondike Road, in Wabash 3 (SE) 23-5.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Sallie Fahey presented slides of the zoning map, site plan and 2 aerial photos. She read the staff report with recommendation of conditional primary approval contingent on the following:

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

1. American Suburban Utilities, Inc shall approve the sanitary sewer plans.
2. Indiana-American Water Company, Inc shall approve the water plans.
3. The Wabash Township Fire Department shall approve the fire hydrants. Plans for the actual placement of the hydrants shall be approved by the Indiana-American Water Company in cooperation with the Fire Department.
4. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
5. The County Drainage Board shall approve the drainage plans.
6. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.
7. The required bufferyard(s) shall be shown with the standard plant unit details. The bufferyard(s) shall be installed as part of required public improvements.

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

8. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
9. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).

10. All required building setbacks shall be platted.
11. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

12. The purpose, ownership and maintenance of Outlot B shall be specified.

Dan Teder concurred with the staff report and requested approval.

Kim Baunach, 3230 Kerfoot Drive, West Lafayette, IN, feels there are not enough access roads into the proposed subdivision.

Sallie Fahey explained that a public road will eventually be constructed that will meet up with Klondike Road and create more than one access road into the development.

Kim Baunach asked how many phases are in the works and if there are planned access roads for future phases.

Sallie Fahey responded that there are plans for future development.

Kim Baunach asked about any improvements to Kerfoot Drive and expressed concerns over added traffic on US 52.

Jay Seeger responded that 52 is a US highway and the Commission has no control over it. He also explained that the Commission is only voting on whether or not the petition meets the rules and regulations of our Unified Subdivision Ordinance.

Mark Hermodson added the Commission has no discretionary power.

Kim Baunach had a question regarding Outlot B.

Sallie Fahey explained that Outlot B would be used for drainage.

Kim Baunach asked if there would be any woods remaining on the property.

KD Benson responded the number of trees the property is required to have would depend on the Drainage Ordinance.

Mark Hermodson said that Drainage is not under the Commission's jurisdiction.

Kim Baunach asked if there was a planned Phase 3.

Sallie Fahey replied that staff did not know. She said that the plans for the condominiums have already been approved and the entrance at US 52 was redesigned and approved by the state. She said that if the entrance becomes unsafe, the State would address it and has a bond for that issue.

The Commission voted by ballot 14 yes – 0 no to permit bonding for all public improvements.

The Commission voted by ballot 14 yes – 0 no to grant conditional primary approval to **S-3540 – DAUGHERTY COMMERCE CENTER, PART 2 (Major-Preliminary)**.

2. S-3563 – STONES CROSSING COMMERCIAL (Major-Preliminary):

Petitioner is seeking primary approval for a 3-lot commercial subdivision on 12.99 acres, located on the south side of CR 350 S, just west of the Concord Road intersection, in Wea 10 (SW) 22-4.

Jeff Kessler moved to hear and approve the above-described request. Kathy Vernon seconded.

Sallie Fahey presented slides and read the staff report recommending conditional primary approval contingent on the following:

Construction Plans – The following items shall be part of the Construction Plans application and approval;

1. The temporary turnaround shall be shown at the stub end of Promenade Parkway
2. The Lafayette City Engineer shall approve the sanitary sewer and water plans.
3. The Wea Township Fire Department shall approve the fire hydrants. Plans for the actual placement of the hydrants shall be approved by the City in cooperation with the Fire Department.
4. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
5. The County Drainage Board shall approve the drainage plans.
6. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.
7. The required bufferyard shall be shown with the standard plant unit details. The bufferyard shall be installed as part of required public improvements.
8. On the grading plan, the lowest floor elevation for any building pad with 100 ft. of the Kirkpatrick Ditch FP (Flood Plain) district shall meet the flood protection grade.

Final Plat – The following items shall be part of the Secondary Application and Final Plat approval:

9. Except for the approved entrances, a “No Vehicular Access” statement shall be platted along the CR 350 S and Promenade Parkway right-of-way lines.
10. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
11. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
12. The off-site easement for the temporary turnaround shall be recorded prior to or with the final plat that includes that part of Promenade Parkway. Reference to the off-site easement shall be made on the final plat.
13. All required building setbacks shall be platted.
14. The Lafayette City corporation line shall be labeled.
15. The Regulatory Flood Elevation and Boundary for the Kirkpatrick Flood Plain shall be shown. It shall also be described and certified as specified in Unified Zoning Ordinance, Section 2-26-17.
16. The street addresses and County Auditor’s Key Number shall be shown.

Subdivision Covenants - The following items shall be part of the subdivision covenants:

17. The “No Vehicular Access” restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Dan Teder concurred with the staff report and requested approval.

The Commission voted by ballot 14 yes – 0 no to permit bonding for all public improvements.

The Commission voted by ballot 14 yes – 0 no to grant conditional primary approval to **S-3563 – STONES CROSSING COMMERCIAL SUBDIVISION (Major-Preliminary).**

V. ADMINISTRATIVE MATTERS

Sallie Fahey presented the issue regarding whether the Unified Zoning Ordinance posted on the website should be in printable format. She asked the Commission if they felt the public should have access to the Ordinance, be able to print sections and search, in which case the format of the online Ordinance would be in html. She said that if the Commission feels users should be able to download and print the whole Ordinance themselves, it would need to be in pdf format. She said the Area Plan office would still keep paper copies of the Ordinance and there would be no added expense by putting the Ordinance online.

Dave Williams asked what kind of time consumption would be involved.

Kevin Klinker asked how revisions to the Ordinance would be handled.

Sallie Fahey answered that staff would make updates to the online document, users would print the replacement pages and insert them in their Ordinance. She also pointed out those replacement pages are currently posted online as well as keeping paper copies available in the office.

Dave Williams asked if the link to the pdf file could be emailed.

KD Benson said she would prefer a pdf format.

Mark Hermodson agreed.

KD Benson asked if Don Lamb would do the majority of the formatting.

Sallie Fahey responded that he would.

KD Benson suggested hiring a part-time person to do that. She and Mark Hermodson suggested tapping a Purdue student.

Carl Griffin moved to put the Unified Zoning Ordinance on the Area Plan Commission website in pdf format. Kathy Vernon seconded and the motion carried by voice vote.

VI. APPROVAL OF THE SEPTEMBER EXECUTIVE COMMITTEE AGENDA

Jeff Kessler moved that the following subdivision petitions be placed on the October 6, 2004 Executive Committee Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-3564 – DAYTON PINES SUBDIVISION (Minor Sketch)

Kathy Vernon seconded and the motion carried by voice vote.

VII. DETERMINATION OF VARIANCES – AREA BOARD OF ZONING APPEALS

Jeff Kessler moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute.

Z-1674 – BURKHART SIGN SYSTEM

Z-1676 – DENNIS L. & PEGGY A. DIETZ

Kathy Vernon seconded and the motion carried by voice vote.

Jeff Kessler moved that with regard to BZA - 1674 the sign ordinance be strictly adhered to. Kathy Vernon seconded and the motion carried by voice vote.

VIII. DIRECTOR'S REPORT

Sallie Fahey highlighted the director's report. She said that Budget Hearings went smoothly. She also discussed the Land Use Data Entry project is almost complete and staff will begin data analysis soon. She said one aspect of the Land Use Plan is seeing what the effect has been on the existing housing vacancy rate as a result of all the new construction and staff will begin analyzing that data as soon as possible. She also mentioned the county is working on a new website design and each office will be able to manage the content of their own website. She stated that Michelle D'Andrea has been appointed as the departmental Webmaster. She pointed out that the Heritage Trail Presentation which is slated for the October 6, 2004 Executive Committee Meeting.

IX. CITIZEN COMMENTS AND GRIEVANCES

None

X. ADJOURNMENT


Jeff Kessler moved for adjournment. Kathy Vernon seconded and the motion carried by voice vote.
The meeting was adjourned at 9:20 P.M.

Respectfully submitted,



Bianca Bullock
Recording Secretary

Reviewed by,



Sallie Dell Fahey
Executive Director